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U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §§ 1983

Name Price Phillip
 (Last) (First) (Initial)

Prisoner Number T-75188Institutional Address no longer in custody.UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAPhillip Price

(Enter the full name of plaintiff in this action.)

vs.

Case No. 08 1416VRW
(To be provided by the clerk of court)Gov. Arnold SchwarzeneggerThomas Hoffman Dir. of C.D.C.James Tilton - Secretary of C.D.C.Shirley Poe Reg. Parole Adm.Deputy Comm. Robert Raas

(Enter the full name of the defendant(s) in this action))

COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
42 U.S.C. §§ 1983 (PR)Demand For a Jury
Trial
Pendant Jurisdiction

[All questions on this complaint form must be answered in order for your action to proceed.]

I. Exhaustion of Administrative Remedies

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement none

B. Is there a grievance procedure in this institution?

YES () ☒ NO ()

C. Did you present the facts in your complaint for review through the grievance procedure?

YES () ☒ NO ()

D. If your answer is YES, list the appeal number and the date and result of the

1 appeal at each level of review. If you did not pursue a certain level of appeal,
2 explain why.

3 1. Informal appeal

There is no appeal
4 procedure, it was eliminated May 1,
5 2004 by the Board of Parole Hearings. First

6 formal level

7
8
9 3. Second formal level

10
11 4 Third

12 formal level

13
14
15 E. Is the last level to which you appealed the highest level of appeal available to
16 you?

17 YES () NO ()

18 F. If you did not present your claim for review through the grievance procedure,
19 explain why.

20
21
22 II. Parties

23 A. Write your name and your present address. Do the same for additional plaintiffs,
24 if any.

25 Phillip Price, 624 14th St. Oakland, CA
26 94612 (510) 419-0360

27
28 B. Write the full name of each defendant, his or her official position, and his or her

place of employment.

Arnold Schwarzenegger, Governor of California.
Thomas Hoffman Director of C.D.C.R., James
Tilton-Agency Secretary, Shirley Poe,
Regional Parole Administrator, Deputy
Commissioner Robert Roos. III.

Statement of Claim

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

Claim No. 1 - This complaint is against Deputy Commissioner Robert Roos of the California Department of Corrections and Rehabilitation in his official and individual capacity - while acting under the color of state law and enforcing a policy and custom used by C.D.C.R. On March 13, 2006, at the Redwood City County Jail in San Mateo County, before Comm. Roos at a Parole Revocation hearing - Pertaining to an alleged violation of having sex with a minor. Plaintiff is not and was not a registered (see page attached) →

IV. Relief

Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

Sex offender. (no medical or doctor reports were used neither was there a police report). Agent of record was not present during the hearing. Plaintiff was not allowed to confront the alleged victim, neither was Plaintiff allowed to hear the alleged testimony on tape at the revocation hearing, Plaintiff requested a copy of the tape but never received a copy.

Deputy Comm. Roos revoked Parole for one year. Plaintiff contends that Deputy Comm. Roos, violated his Sixth, Fourteenth Constitutional Amendment rights and his California Constitutional Rights under Article I- Sections 1, 6, and 7.

Plaintiff also contends that Deputy Comm. Roos, breached the plea bargain contract of 16 months- (Plaintiff has attached the abstract of judgment as exhibit A).

The Defendants are state officials who Plaintiff is suing in their official and individual capacity and who are responsible for the policies, procedures and customs used to conduct parole revocation proceedings and who are the supervisors of Deputy Comm. Roos and who knew or should have known of the plea-bargain contract of 16 months. The defendants are Arnold Schwarzenegger Governor of the state of California, Thomas Hoffman - Director of C.D.C.R. James Tilton - Agency Secretary, and Shirley Poe - Regional Parole Administrator.

Plaintiff contends that defendants implicate a policy and custom - that violated his 6th and 4th Amendment Rights and equal Protection of law) Parole and Parole revocation hearings that exposed Plaintiff to a sentence in excess of the relevant Statutory Maximum and that breached the plea bargained contract of 16 months. (Plaintiff has attached as exhibit-B a copy of the C.D.C. Form 1502 which shows a discharge date of 8-11-07 - well in excess of 16 months).

CLAIM TWO CONT:

The mandatory Parole term exceeded the contract by restraining Plaintiff's liberty and exposing him to a much harsher penalty and violating his rights to a Jury trial.

NOTE: Plaintiff discharged this No. T-95188 on 8-11-07, but was incarcerated at the time, and has been given another Number of F-90712, Plaintiff was released on 2-20-08.

Relief -

1 Plaintiff is demanding a jury trial
2 and \$ 5,000,000.00 in damages - and punitive
3 damages.

4 Injunctive Relief - The court order an
5 investigation of racial discrimination of the
6 whole Department of C.D.C.R.

7 I declare under penalty of perjury that the foregoing is true and correct.

8
9 Signed this 9 day of March, 2008

10
11 Phillip Price
12 (Plaintiff's signature)

SINGLE CONCURRENT, OR FULL-TERM CONSECUTIVE COUNT FORM

(Not to be used for multiple count convictions or for 1/3 consecutive sentences.)

CR-290.1

<input checked="" type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO	<input type="checkbox"/> MUNICIPAL BRANCH OR JUDICIAL DISTRICT 41100	PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: PHILLIP PRICE		DOB: 03-27-63	CASE NUMBER SC051678A	FILED SAN MATEO COUNTY DEC 11 2002 Deputy Clerk
AKA: PHILLIP GERAL PRICE, ETC.		CII#: 007092603		BOOKING #: 0209058	<input type="checkbox"/> NOT PRESENT	
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT		PRESENT		<input type="checkbox"/> AMENDED ABSTRACT		
DATE OF HEARING 12-11-02	DEPT. NO. 12	JUDGE H J ELLIS		PROBATION NO. OR PROBATION OFFICER NONE STATED		
CLERK MARK OSBORNE	REPORTER JENELL MULLANE	COUNSEL FOR PEOPLE SARAI OBERMEYER		COUNSEL FOR DEFENDANT PRIVATE DEFENDER		<input checked="" type="checkbox"/> APPTD.

Defendant was convicted of the commission of the following felony:

CNT.	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YEAR)	CONVICTED BY			TERM (L-M, U)	TIME IMPOSED	
						JURY	COURT	PLEA		YRS.	MOS.
2	PC	496(A)	RECEIVED KNOWN STOLEN PROPERTY	2002	06-12-02			X	L	1	4

ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST enhancements stricken under PC 1385.

CNT.	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTION OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST enhancements stricken under PC 1385.

ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

☐ Defendant was sentenced pursuant to PC 667 (b)-(i) or PC 1170.12 (two-strikes).

FINANCIAL OBLIGATIONS (including any applicable penalty assessments):

a. RESTITUTION FINE of: **\$200.00** per PC 1202.4(b) forthwith per PC 2085.5.

b. RESTITUTION FINE of: **\$200.00** per PC 1202.45 suspended unless parole is revoked.

c. RESTITUTION of: \$ per PC 1202.4(f) to ☐ victim(s)* ☐ Restitution Fund

(*List victim name(s) if known and amount breakdown in item 7, below.)

(1) ☐ Amount to be determined. (2) ☐ Interest rate of: % (not to exceed 10% per PC 1204.4(f)(3)(F)).

d. ☐ LAB FEE of: \$ for counts: per H&SC 11372.5(a).

e. ☐ DRUG PROGRAM FEE of \$150 per H&SC 11372.7(a). f. ☐ FINE of \$ per PC 1202.5.

TESTING: ☐ AIDS ☐ DNA pursuant to ☐ PC 1202.1 ☐ PC 290.2 ☐ other (specify): **296PC AFTER 1-99**

Other orders (specify):

TOTAL TIME IMPOSED: **1** **4**

☐ This sentence is to run concurrent with (specify):

0. Execution of sentence imposed

a. ☐ at initial sentencing hearing.

b. ☐ at resentencing per decision on appeal.

c. ☒ after revocation of probation.

d. ☐ at resentencing per recall of commitment. (PC 1170(d).)

e. ☐ other (specify):

1. DATE SENTENCE PRONOUNCED 12-11-02	CREDIT FOR TIME SPENT IN CUSTODY 326	TOTAL DAYS: 326	ACTUAL LOCAL TIME 218	LOCAL CONDUCT CREDITS 108	<input checked="" type="checkbox"/> 4019 <input type="checkbox"/> 2933.1	SERVED TIME IN STATE INSTITUTION <input type="checkbox"/> DMH <input checked="" type="checkbox"/> CDC <input type="checkbox"/> CRC
--	--	---------------------------	---------------------------------	-------------------------------------	---	---

2. The defendant is remanded to the custody of the sheriff ☒ forthwith ☐ after 48 hours excluding Saturdays, Sundays, and holidays. To be delivered to ☐ the reception center designated by the director of the California Department of Corrections. ☒ other (specify): **SAN QUENTIN STATE PRISONS.**

DEPUTY OF THE COURT: I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE VIRILIO S. CASTRO	DATE 12-11-02
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This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

DISTRIBUTION:
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REPORT TO: ☒ BOARD OF PRISON TERMS

EXHIBIT-B

CDC NUMBER T75188	NAME (LAST, FIRST, MI) Price, Phillip	NAME BOOKED AS same	REGION/UNIT II/Redwood City
ARREST DATE 05-07-07	ARRESTING AGENCY Menlo Park Police	BPT REFERRALS <input type="checkbox"/> MANDATORY <input checked="" type="checkbox"/> NON-MANDATORY	BOOKING NUMBER AND/OR LOCATION 209058/San Mateo Co. jail
ARREST CODE D	* ARREST CODES: A DAPO STAFF ALONE AB DAPO ASSISTED BY LAW ENFORCEMENT AGENCY B LAW ENFORCEMENT AGENCY ALONE D LAW ENFORCEMENT AGENCY WITH INFORMATION FROM DAPO		
HOLD DATE 05-05-07	DISCOVERY DATE 05-07-07	HOLD REMOVED DATE Intact	AGENT OF RECORD M Babb
CHARGES AND CODES 1. Cond. 4: Possession of drug paraphernalia (750) 2. Cond. 4: Possession of cocaine (717) 3.		CONTROLLING DISCHARGE DATE 08-11-07	DISCHARGE REVIEW DATE n/a
REASON FOR RETAINING PAROLE HOLD: PAROLEE DANGER TO: <input type="checkbox"/> ABSCOND <input checked="" type="checkbox"/> SELF <input type="checkbox"/> PROPERTY-OTHERS <input type="checkbox"/> SAFETY-OTHERS		DATE COPY GIVEN TO PAROLEE 5/10/07	NAME OF PERSON NOTICING PAROLEE Horn

Non-Priority

Charges 1-2: Price was arrested by Menlo Park Police for being in possession of cocaine and drug paraphernalia on 05-07-07. He was transported and booked into the San Mateo County jail. The report number is 07-1304.

PAROLE AGENT'S RECOMMENDATION:

Retain parole hold pending further investigation.

PAROLE AGENT'S SIGNATURE G. Lee		DATE 05-07-07
UNIT SUPERVISOR'S ACTION <input checked="" type="checkbox"/> DECISION <input type="checkbox"/> REVIEW <input checked="" type="checkbox"/> RETAIN HOLD <input type="checkbox"/> RELEASE HOLD AS OF (DATE): <input type="checkbox"/> CANCELL WARRANTS - WANTS		
<input type="checkbox"/> CONTINUE ON PAROLE <input type="checkbox"/> CONTINUE IN OUT-PATIENT STATUS <input type="checkbox"/> *DISCHARGE EFFECTIVE DATE: <input type="checkbox"/> RETAIN ON PAROLE		
<input type="checkbox"/> REINSTATE ON PAROLE AS OF (DATE): <input type="checkbox"/> TIME LOSS <input type="checkbox"/> NO TIME LOSS <input type="checkbox"/> SUSPEND/REINSTATE IN OPS AS OF (DATE): <input type="checkbox"/> REFER TO BPT <input checked="" type="checkbox"/> INVESTIGATE, SUBMIT APPROPRIATE REPORT BY (DATE): 5-15-07		
SPECIAL CONDITION(S): <input type="checkbox"/> ADD <input type="checkbox"/> DELETE		
UNIT SUPERVISOR'S COMMENTS/RECOMMENDATION <input checked="" type="checkbox"/> I HAVE LOOKED AT THE INFORMATION. I BELIEVE THERE IS PROBABLE CAUSE TO MAINTAIN THE PAROLE HOLD.		
UNIT SUPERVISOR'S SIGNATURE C. Gabbadon		DATE 5-9-07
PAROLE ADMINISTRATOR'S COMMENTS/DECISION		
<input type="checkbox"/> REFER TO BPT <input type="checkbox"/> *DISCHARGE EFFECTIVE DATE		FIELD ADMINISTRATOR'S SIGNATURE
		DATE

